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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/515,369
Filing Date	02/29/2000
First Named Inventor	Fisher
Group Art Unit	1636
Examiner Name	Sullivan, Daniel M.
Attorney Docket Number	34611 070050.1685

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply 12/08/2003 SZEWDIE1 00000038 09515369
- ii. ☐ Affidavit(s)/Declaration(s) 01 FC:2801 385.00 OP
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other Petition to Extend Time, Power of Attorney

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-4377
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Any additional charges under 37 CFR 1.16 and 1.117
- b. ☒ Check in the amount of \$ 860.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Lisa B. Kole	Registration No. (Attorney/Agent)	35,225
Signature		Date	December 2, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Alexandria, VA 22313-1450, or facsimile transmitted to the US Patent and Trademark Office on:

Name (Print/Type)	Lisa B. Kole	Date	December 2, 2003
Signature			



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PATENT

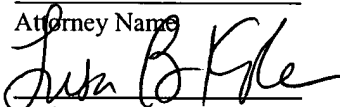
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fisher *et al.*  
Serial No. : 09/515,369 Examiner : Sullivan, Daniel M.  
Filed : February 29, 2000 Group Art Unit: 1636  
For : MELANOMA DIFFERENTIATION ASSOCIATED GENE-7 PROMOTER  
AND USES THEREOF

**REQUEST FOR CONTINUED EXAMINATION AND AMENDMENT**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

December 2, 2003  
Date of Deposit

Lisa B. Kole  
Attorney Name  
  
Signature

35,225  
PTO Registration No.

December 2, 2003  
Date of Signature

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action dated September 22, 2003, in which the Examiner declined to enter the Amendment submitted by Applicants on July 31, 2003 in response to the final Official Action dated June 2, 2003, Applicants hereby Request Continued Examination of the above-identified application and submit herewith (1) a Petition to Extend Time for a period of three months, up to and including December 2, 2003, together with the appropriate fee (estimated to be \$475.00 for a small entity); (2) a Request for Continued Examination Transmittal, together with the appropriate fee (estimated to be \$385.00 for a small entity) and (3) a Revocation and Power of

NY02:467485.1

Attorney. Applicants request that the following amendments and remarks be made of record.